

Message Text

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ORIGIN COME-00

INFO OCT-01 EA-07 ISO-00 SP-02 USIA-06 AID-05 EB-08
NSC-05 TRSE-00 SS-15 STR-04 OMB-01 CEA-01 DOTE-00
EPA-01 CIAE-00 INR-07 NSAE-00 L-03 H-01 /067 R

DRAFTED BY: COM/BIEPR/OTP/IND/DBUSINGER
APPROVED BY: STR/WKELLY
COM/BIEPR/OTP/IND/CJOHNSON
STATE/EA/JHCOCHRAN
STATE/EB/OTP/TA/JCUNNINGHAM
STR/ELAPP
COM/BIEPR/OTP/TNAD/ARYDER
DOT/NHTSA/FARMSTRONG
EPA/ESTORK

-----035212 150706Z /17/21

P 122224Z AUG 77
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO PRIORITY

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C O R R E C T E D C O P Y (PARA 4(9)(4) LINE 2 OMITTED)

E.O. 11652: N/A

TAGS: ETRD, JA

SUBJECT: AUTOMOTIVE SAFETY AND ENVIRONMENTAL STANDARDS

REF: STATE 159636

1. EMBASSY IS REQUESTED TO PROPOSE TO GOJ THAT SECOND
ROUND OF BILATERAL DISCUSSIONS CONCERNING JAPANESE AUTO-
MOTIVE SAFETY AND ENVIRONMENTAL STANDARDS AS APPLIED TO
IMPORTED MOTOR VEHICLES OF U.S. MANUFACTURE BE HELD ON
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SEPTEMBER 8 OR, IF THE GOJ PREFERS, SEPTEMBER 10. THE U.S.
SIDE WOULD BE HEADED BY WILLIAM B. KELLY, SENIOR ASSISTANT
STR, WHO WILL BE PARTICIPATING IN MTN CONSULTATIONS SEPTEMBER 6-7, AND INCLUDE A REPRESENTATIVE FROM THE DEPARTMENT
OF STATE (WILLIAM G. BARRACLOUGH), THE DEPARTMENT OF COM-
MERCE (DONALD BUSINGER), THE DEPARTMENT OF TRANSPORTATION
(FRANK ARMSTRONG), AND THE U.S. EMBASSY. WE ANTICIPATE
THAT FOUR TO EIGHT HOURS OF DISCUSSION WOULD BE INVOLVED.
ARMSTRONG, BUSINGER, AND MVMA WOULD BE AVAILABLE FOR FOLLOW-
UP TECHNICAL DISCUSSIONS AS APPROPRIATE. WE DO NOT EXPECT

MVMA TO PARTICIPATE IN INITIAL ROUND OF TALKS, BUT MVMA WOULD BE AVAILABLE FOR ADVICE AS NEEDED.

2. ALTHOUGH LAST YEAR'S TALKS ON THE VEHICLE APPROVAL

PROCESS IN JAPAN WERE SUCCESSFUL IN ACHIEVING CERTAIN INFORMAL UNDERSTANDINGS AND COMMITMENTS AND RESULTED IN EXPEDITIOUS (LESS THAN FORTY-FIVE DAYS) PROCESSING OF 1977 MODELS, SEVERAL SPECIFIC TECHNICAL ISSUES REMAIN UNRESOLVED. ON MARCH 15, 1977, MVMA THEREFORE AGAIN REQUESTED THE ASSISTANCE OF THE USG IN OBTAINING A SECOND ROUND OF TALKS. THE MOST IMPORTANT ISSUE TO BE DEALT WITH IN THESE TALKS IS THE QUESTION OF JAPANESE ACCEPTANCE OF TESTING ON THE SIX IMPORTANT QUANTIFIABLE SAFETY AND EMISSIONS STANDARDS IN U.S. MANUFACTURERS' FACILITIES WITHOUT ADDITIONAL TESTING IN JAPAN. SUCH ACCEPTANCE WOULD FURTHER REDUCE THE TIME PERIOD INVOLVED IN THE APPROVAL PROCESS AND, MORE IMPORTANTLY, WOULD ADVANCE THE DATE ON WHICH REQUESTS FOR APPROVAL MAY BE MADE. IT WOULD ALSO PLACE U.S. MANUFACTURERS IN A POSITION COMPARABLE TO THAT OF THEIR EUROPEAN COMPETITORS.

3. IN ORDER TO CLARIFY IN ADVANCE THE ISSUES WHICH THE LIMITED OFFICIAL USE
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USG IS PROPOSING FOR AGENDA OF SECOND ROUND OF BILATERAL DISCUSSIONS AND TO PROVIDE SUFFICIENT BACKGROUND INFORMATION TO GOJ, WE ARE FORWARDING BY POUCH A REVISED MVMA-PREPARED "PROPOSED SOLUTIONS TO PROBLEMS ENCOUNTERED BY U.S. MANUFACTURERS EXPORTING AUTOMOBILES TO JAPAN". COPIES OF THIS DOCUMENT SHOULD BE CIRCULATED TO INTERESTED GOJ AGENCIES AS SOON AS POSSIBLE. VERSION FORWARDED PREVIOUSLY WILL NOT BE USED AS A BASIS FOR DISCUSSIONS.

4. EMBASSY IS ALSO REQUESTED TO INFORMALLY PRESENT TO APPROPRIATE GOJ MINISTRIES THE FOLLOWING TEXT CONCERNING THE RESUMPTION OF BILATERAL AUTOMOTIVE STANDARDS TALKS. SUGGESTED TEXT FOLLOWS: BEGIN TEXT:

(1) THE U.S. GOVERNMENT IS PLEASED THAT SUBSTANTIAL PROGRESS HAS BEEN MADE IN RESOLVING ISSUES RELATED TO THE ADMINISTRATION OF JAPANESE SAFETY AND ENVIRONMENTAL STANDARDS AS THEY PERTAIN TO THE SALE OF U.S.-MANUFACTURED AUTOMOBILES IN JAPAN. THIS PROGRESS HAS BEEN ACHIEVED THROUGH CERTAIN INFORMAL UNDERSTANDINGS REACHED DURING THE BILATERAL DISCUSSIONS OF JULY-AUGUST, 1976 BETWEEN OUR TWO GOVERNMENTS, WHICH RESULTED IN THE EXPEDITIOUS PROCESSING BY THE GOVERNMENT OF JAPAN OF U.S.-MANUFACTURED VEHICLES IMPORTED INTO JAPAN DURING THE 1977 MODEL YEAR, AND THROUGH THE RECENT EFFORTS OF THE GOVERNMENT OF JAPAN TO FACILITATE THE APPROVAL PROCESS FOR THE 1978 MODEL

YEAR BY EXPERIMENTAL WITNESSED TESTING IN U.S. MANUFACTURERS' FACILITIES.

(2) WHILE RECOGNIZING THIS PROGRESS, THE U.S. GOVERNMENT ALSO NOTES THAT THERE IS ROOM FOR FURTHER IMPROVEMENT IN REDUCING THE DELAY INVOLVED IN THE JAPANESE VEHICLE APPROVAL PROCESS THROUGH TESTING PROCEDURES WHICH ARE ACCEPTABLE TO BOTH SIDES ON A LONG-TERM BASIS AND WHICH WOULD PROVIDE U.S. MANUFACTURERS WITH ADVANTAGES COMPARABLE TO THOSE ALREADY EXTENDED TO THEIR EUROPEAN COMPETITORS. THE U.S. GOVERNMENT FURTHER NOTES THAT SEVERAL OTHER TECHNICAL ISSUES REQUIRE SOLUTIONS TO ENSURE EQUITABLE TREATMENT FOR U.S. VEHICLE MANUFACTURERS EXPORTING TO JAPAN. A SECOND ROUND OF BILATERAL DISCUSSIONS BETWEEN OUR TWO GOVERNMENTS IS THEREFORE PROPOSED FOR SEPTEMBER 8 OR 10 IN TOKYO TO RESOLVE THESE MATTERS.

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(3) THE U.S. GOVERNMENT UNDERSTANDS THAT THE PRACTICE OF THE GOVERNMENT OF JAPAN WHICH REQUIRED TESTING FOR THE SIX IMPORTANT QUANTIFIABLE SAFETY AND EMISSION STANDARDS TO BE CONDUCTED IN THE LABORATORIES OF THE EXPORTING MANUFACTURER AND THEN CONFIRMED IN JAPANESE GOVERNMENT LABORATORIES HAS BEEN MODIFIED IN THE EUROPEAN CASE TO PERMIT TESTS TO BE CONDUCTED IN THE SOURCE COUNTRY'S GOVERNMENT OR GOVERNMENT-APPROVED LABORATORIES WITHOUT RETESTING IN JAPAN. IN THE U.S. CASE, THE JAPANESE MINISTRY OF TRANSPORT ALLOWED AN EXPERIMENTAL WITNESSED TESTING PROGRAM IN U.S. MANUFACTURERS' LABORATORIES FOR THE SIX IMPORTANT SAFETY AND EMISSIONS STANDARDS FOR THE 1978 MODEL YEAR. A PERMANENT SOLUTION PERTAINING TO U.S. MANUFACTURERS, WHICH WOULD BE ACCEPTABLE TO ALL PARTIES CONCERNED, IS URGENTLY REQUIRED AND IS THE MOST IMPORTANT ITEM ON THE PROPOSED AGENDA OF THE BILATERAL DISCUSSIONS. THE U.S. GOVERNMENT BELIEVES THAT SUCH A SOLUTION SHOULD BE BASED ON JAPANESE GOVERNMENT ACCEPTANCE OF DATA FROM TESTS, CONDUCTED IN U.S. MANUFACTURERS' FACILITIES WITHOUT RETESTING IN JAPAN, DEMONSTRATING COMPLIANCE WITH THE SIX IMPORTANT STANDARDS.

(4) THE U.S. GOVERNMENT NOTES THAT U.S. MANUFACTURERS HAVE CONTENTED THAT SOME OF THE JAPANESE DOCUMENTATION REQUIREMENTS ARE EXCEEDINGLY BURDENSOME IN TERMS OF TIME, MANPOWER, AND EXPENSE. THE U.S. GOVERNMENT REQUESTS THE LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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MODIFICATION OR ELIMINATION OF DOCUMENTATION REQUIREMENTS

WHICH U.S. MANUFACTURERS CONSIDER TO BE ONLY marginally RELATED TO THE DATA NECESSARY TO DETERMINE COMPLIANCE WITH JAPANESE SAFETY AND EMISSION STANDARDS.

(5) ALTHOUGH THE JAPANESE MINISTRY OF TRANSPORT CURRENTLY

ACCEPTS A sizeable amount of data from tests conducted by U.S. MANUFACTURERS TO DEMONSTRATE COMPLIANCE WITH U.S. STANDARDS THAT ARE COMPARABLE TO JAPANESE STANDARDS, THERE ARE ADDITIONAL JAPANESE STANDARDS FOR WHICH A U.S. EQUIVALENT ALSO EXISTS. U.S. MANUFACTURERS CURRENTLY EXPEND CONSIDERABLE TIME, EFFORT, AND EXPENSE TO DEMONSTRATE COMPLIANCE OF THEIR VEHICLES WITH THESE JAPANESE STANDARDS. THE U.S. GOVERNMENT HOPES THAT THE PROPOSED BILATERAL DISCUSSIONS WILL LEAD TO THE IDENTIFICATION OF ADDITIONAL JAPANESE STANDARDS FOR WHICH U.S. MANUFACTURERS' TEST DATA, DEMONSTRATING COMPLIANCE WITH AN EQUIVALENT U.S. STANDARD, WILL BE ACCEPTED BY THE JAPANESE GOVERNMENT AS EVIDENCE OF COMPLIANCE WITH THE COMPARABLE JAPANESE STANDARDS.

(6) THE U.S. GOVERNMENT NOTES THAT THE JAPANESE GOVERNMENT ALLOWS NEW STANDARDS TO BE APPLIED TO IMPORTED VEHICLES AS OF DATE OF MANUFACTURE RATHER THAN DATE OF IMPORTATION, AS LONG AS THE DATE OF MANUFACTURE IS CERTIFIED BY COMPETENT GOVERNMENT AUTHORITIES OR OTHER OFFICIAL ORGANIZATIONS OF THE EXPORTING COUNTRY. U.S. MANUFACTURERS ARE PREPARED TO SUBMIT TO THE GOVERNMENT OF JAPAN LISTS OF SERIAL NUMBERS OF VEHICLES TO BE SOLD IN JAPAN. THE DATE OF MANUFACTURE OF EACH VEHICLE WOULD BE IDENTIFIED IN WRITING BY SERIAL NUMBER AND AFFIRMED BY AN AUTHORIZED REPRESENTATIVE OF THE MANUFACTURER BEFORE A DULY COMMISSIONED NOTARY PUBLIC. THE NOTARY PUBLIC WOULD AFFIX HIS SEAL TO THIS CERTIFICATE. THE U.S. GOVERNMENT PROPOSES THAT SUCH NOTARIZED CERTIFICATES BE ACCEPTED BY JAPANESE REGULATORY AUTHORITIES AS FULL AND SUFFICIENT EVIDENCE OF LIMITED OFFICIAL USE
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DATE OF MANUFACTURE.

(7) THERE ARE TWO ADDITIONAL ISSUES, SIMILAR TO THE GENERAL QUESTION OF EQUIVALENT STANDARDS, WHICH THE U.S. GOVERNMENT PROPOSES FOR SEPARATE DISCUSSION. THE FIRST ISSUE CONCERNS THE JAPANESE REQUIREMENT FOR ADDITIONAL SHIELDING OF THE CATALYTIC CONVERTER TO PREVENT POSSIBLE FIRE PROBLEMS. U.S. MANUFACTURERS BELIEVE THAT SUCH ADDITIONAL SHIELDING DOES NOT ENHANCE VEHICLE SAFETY. FIELD EXPERIENCE IN THE UNITED STATES, MONITORED BY THE U.S. DEPARTMENT OF TRANSPORTATION, HAS REVEALED NO SIGNIFICANT FIRE OR INJURY CASES RESULTING FROM THE USE OF CATALYTIC DEVICES WITHOUT SUCH ADDITIONAL SHIELDING. ON THIS FIRST ISSUE, THE U.S. GOVERNMENT PROPOSES THAT THE

JAPANESE REQUIREMENT BE ELIMINATED. THE SECOND ISSUE INVOLVES THE USE OF SPARE TIRE INFLATORS WHICH WERE RECENTLY INTRODUCED IN THE U.S. MARKET AND FOR WHICH THERE IS A

U.S. STANDARD BUT NO EQUIVALENT JAPANESE STANDARD. ON THE SECOND ISSUE, THE U.S. GOVERNMENT REQUESTS JAPANESE GOVERNMENT ADOPTION OF A STANDARD, EQUIVALENT TO THE U.S. STANDARD ON COMPRESSED GAS CYLINDERS, WHICH WOULD ALLOW THE USE IN JAPAN OF SPARE TIRE INFLATORS AS AN ORDINARY ITEM OF VEHICULAR EQUIPMENT.

(8) IN CONNECTION WITH THE ACCEPTANCE OF DATA RESULTING FROM TESTS CONDUCTED ON U.S.-MANUFACTURED VEHICLES TO DEMONSTRATE COMPLIANCE WITH JAPANESE STANDARDS, AN ESSENTIAL CONSIDERATION IS THE ALLOWANCE FOR TESTING OF "REPRESENTATIVE" VEHICLES, I.E. VEHICLES WHICH MAY BE OF A DIFFERENT MODEL YEAR THAN THAT FOR WHICH APPROVAL IS REQUESTED BUT WHICH ARE IN ALL MATERIAL RESPECTS THE SAME AS PRODUCTION VEHICLES WITH REGARD TO THOSE COMPONENTS LIMITED OFFICIAL USE
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DIRECTLY ASSOCIATED WITH THE TEST REQUIREMENTS. THE RECENT PRACTICE OF THE JAPANESE MINISTRY OF TRANSPORT WITH RESPECT TO THE USE OF VEHICLES REPRESENTATIVE OF PRODUCTION FOR TYPE APPROVAL TESTING ALLOWS THE ELIMINATION OF THIS ITEM FROM CONSIDERATION IN THE BILATERAL DISCUSSIONS. THE U.S. GOVERNMENT IS PLEASED THAT THE JAPANESE GOVERNMENT HAS ACCEPTED IN PRINCIPLE THE USE OF "REPRESENTATIVE" VEHICLES IN SATISFYING JAPANESE VEHICLE CERTIFICATION REQUIREMENTS.

(9) IN SUMMARY OF THE ABOVE POINTS, THE U.S. GOVERNMENT SUBMITS THE FOLLOWING AGENDA FOR THE SECOND ROUND OF BILATERAL DISCUSSIONS, ALONG WITH PROPOSED SOLUTIONS TO EACH OF THE AGENDA ISSUES:

1. VEHICLE TESTING: JAPANESE GOVERNMENT ACCEPTANCE OF DATA FROM TESTS, CONDUCTED IN U.S. MANUFACTURERS' FACILITIES WITHOUT RETESTING IN JAPAN, ON THE SIX IMPORTANT QUANTIFIABLE SAFETY AND EMISSIONS STANDARDS.

2. DOCUMENTATION REQUIREMENTS: JAPANESE GOVERNMENT MODIFICATION OR ELIMINATION OF DOCUMENTATION REQUIREMENTS WHICH U.S. MANUFACTURERS CONSIDER TO BE EXCESSIVE.

3. EQUIVALENT STANDARDS: IDENTIFICATION OF ADDITIONAL JAPANESE STANDARDS FOR WHICH U.S. MANUFACTURERS' TEST DATA, DEMONSTRATING COMPLIANCE WITH AN EQUIVALENT U.S. STANDARD, SHOULD BE ACCEPTED BY THE JAPANESE GOVERNMENT AS EVIDENCE OF COMPLIANCE WITH THE JAPANESE STANDARDS.

4. DATE OF MANUFACTURE: JAPANESE GOVERNMENT ACCEPTANCE
OF DATE OF MANUFACTURE AS INDICATED ON CERTIFICATE PRE-
PARED BY THE MANUFACTURER AND AFFIRMED ACCURATE BEFORE A
DULY COMMISSIONED NOTARY PUBLIC.

5. ADDITIONAL SHIELDING FOR CATALYTIC CONVERTER: JAPA-
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NESE GOVERNMENT AGREEMENT THAT THIS JAPANESE STANDARD IS
UNNECESSARY AND WILL BE ELIMINATED.

6. SPARE TIRE INFLATOR: JAPANESE GOVERNMENT ADOPTION OF
A STANDARD, EQUIVALENT TO THE U.S. STANDARD ON COMPRESSED
GAS CYLINDERS, WHICH WOULD ALLOW THE USE IN JAPAN OF
SPARE TIRE INFLATORS AS AN ORDINARY ITEM OF VEHICULAR
EQUIPMENT. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 22-Sep-1999 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SAFETY, STANDARDS, AUTOMOBILES
Control Number: n/a
Copy: SINGLE
Sent Date: 12-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE191751
Document Source: ADS
Document Unique ID: 00
Drafter: COM/BIEPR/OTP/IND/DBUSINGER
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Expiration:
Film Number: D770300-0467
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197708117/baaaetmu.tel
Line Count: 293
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: a78ab350-c288-dd11-92da-001cc4696bcc
Office: ORIGIN COME
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 159636
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 17-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1445642
Secure: OPEN
Status: NATIVE
Subject: AUTOMOTIVE SAFETY AND ENVIRONMENTAL STANDARDS
TAGS: ETRD, ELTN, JA
To: TOKYO
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a78ab350-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009